

PUBLIC NOTICE

FEMA – 4526-DR-DE

The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to provide assistance to reduce or eliminate long-term risk to people and property from future disasters under FEMA-4526-DR-DE occurring from January 20, 2020 and continuing. This notice applies to the Hazard Mitigation Grant Program (HMGP) implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206.

Under a major disaster declaration (FEMA-4526-DR-DE) signed by the President on April 5, 2020, state and local government entities and certain private nonprofit organizations throughout the entire state of Delaware are eligible for Public Assistance (PA) Category B funding. On August 5, 2021 President Biden authorized FEMA to provide the state of Delaware HMGP funding. All counties in the state of Delaware are eligible for HMGP.

FEMA previously provided an initial public notice outlining the agency's intent to reimburse eligible applicants for emergency protective measures taken to protect public health and safety under the PA program as a result of FEMA-4526-DR-DE on June 11, 2020. FEMA now intends to provide HMGP funding to the state of Delaware to invest in mitigation projects that will help better prepare and protect communities from natural disasters and the impacts of climate change. Projects may include construction of new facilities or structures, modification of existing, undamaged facilities or structures, relocation of facilities or structure out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published if necessary, as more specific information becomes available.

This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-year floodplain, and critical actions within the 500-year floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Presidential Executive Orders (EO) 11988 and 11990 require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and be evaluated for social, economic, historical, environmental, legal and safety considerations. Where there is no opportunity to relocate, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts.

On May 20, 2021, President Biden issued EO 14030, Climate-Related Financial Risk, reinstating EO 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (January 30, 2015), which established the Federal Flood Risk Management Standard (FFRMS). As such, FEMA will be identifying the applicable design standard for project types incorporating the FFRMS-Freeboard Value Approach (FVA) for specific non-critical actions per FEMA Policy FP-206-21-0003. These standards will include:

1. For non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction in the Special Flood Hazard Area, the minimum flood elevation under ASCE 24-14 will be the base flood elevation (BFE) plus 2 feet of freeboard unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. If a state, local, tribal, or territorial government, or federal agency has adopted a higher standard applicable to the specific project, FEMA will require the higher standard.
2. For critical actions in the Special Flood Hazard Area, the elevation requirements from 44 C.F.R. § 9.11 continue to apply.
3. For all other non-critical actions involving project types other than structure elevation, dry floodproofing, and mitigation reconstruction, applicants may choose to apply the FFRMS-FVA or any other higher elevation as long as the project remains technically feasible and cost effective.

For routine activities, this will be the only public notice provided. Subsequent public notices may be published for specific projects, such as those that may result in an adverse effect to historic resources and/or require an Environmental Assessment. Project specific public notices will be published, if necessary, as more specific information becomes available.

FEMA will fund eligible mitigation activities at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and flood control facilities), or the project facilitates an open space use, or the facility is an integral part of a larger network that is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must examine the possible effects of not upgrading the facility or minimizing floodplain/wetland impacts and determine that both 1) an overriding public need for the facility clearly outweighs the EO requirements to avoid the floodplain/wetland and 2) that the site is the only practicable alternative. The state of Delaware and local officials will confirm to FEMA that proposed actions comply with all applicable State and local floodplain management and wetland protection requirements.

Presidential EO 12898, Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs each federal agency to avoid disproportionate and high adverse human health or environmental effects to low-income and minority populations. FEMA aims to identify low income and minority communities at the onset of a declared event to gain better understanding of how response and recovery efforts, including mitigation may impact such groups and communities. Additionally, once low income and minority communities are identified, FEMA aims to minimize any potential adverse impacts to those communities through encouraging alternative selection mitigation actions for including HMGP projects.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts, or objects 50 years or older or that affect archeological sites or undisturbed ground will require further review to determine if the property is eligible for listing in the National Register of Historic Places (Register). If

the property is determined to be eligible for the Register, and FEMA's undertaking will adversely affect it, FEMA will provide additional public notices. For historic properties not adversely affected by FEMA's undertaking, this will be the only public notice.

As noted, this may be the only public notice regarding the above-described actions under the HMGP. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency, ATTN: FEMA-4526-DR-DE, 615 Chestnut Street, 6th floor Philadelphia, PA 19106-4404; or by email: FEMA-R3-EHP-PublicComment@fema.dhs.gov. Comments should be sent in writing to MaryAnn Tierney, Federal Coordinating Officer, at the above address or email address within 15 days of the date of this notice.